

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Barbara Ward, et al.

Plaintiffs,

13 Civ. 1605 (JGK)

- v. -

MEMORANDUM OPINION AND
ORDER

TheLadders.com, Inc.,

Defendant.

JOHN G. KOELTL, District Judge:

The defendant moves for reconsideration of this Court's Opinion and Order on March 12, 2014, which granted in part and denied in part the defendant's motion to dismiss. The defendant has failed to show that there were any issues of fact or law that the Court overlooked. While the defendant disagrees with the Court's decision, that is not a basis for reconsideration. See, e.g., R.F.M.A.S., Inc. v. Mimi So, 640 F. Supp. 2d 506, 512 (S.D.N.Y. 2009).

Nothing in the motion for reconsideration suggests that the Court's decision was incorrect. The defendant essentially attempts to hold a claim under New York General Business Law § 349 to the same standard applicable to a common-law fraud claim by demanding that the plaintiff specifically show reliance on a statement. This argument has been rejected by the Court in the March 12 Opinion and is precisely what the New York Court of Appeals cautioned against in Stutman v. Chem. Bank, 731 N.E.2d 608, 611-12 (N.Y. 2000) (holding that a deceptive practice "need

not reach the level of common-law fraud to be actionable under section 349" and that the lower court erred in making reliance an element of the claim by focusing on whether the alleged failure to disclose "had any effect on plaintiffs' decision to [choose the defendant's service] in the first place" (internal quotation marks omitted)). Therefore, the defendant's argument is without merit.

Accordingly, the motion for reconsideration is **denied**. The Clerk is directed to close Docket No. 47.

SO ORDERED.

Dated: New York, New York
 April 18, 2014

/s/
John G. Koeltl
United States District Judge